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THE EVIDENCE
ON THE
TRIAL
OF
JOHN THORNHILL,
FOR THE MURDER OF
SARAH STATHAM,
AT LYMM, IN CHESHIRE.
FOR WHICH HE WAS EXECUTED, AT CHESTER,
ON MONDAY THE TWENTY-THIRD OF APRIL, 1798.
WITH
SOME PARTICULARS OF HIS BEHAVIOUR,
PREVIOUS TO AND AFTER
HIS CONDEMNATION.

" IF YOU ARE GUILTY, THERE ARE NUMBERLESS LITTLE CIR-
" CUMSTANCES, THAT WILL LEAD TO A DISCOVERY, THAT
" YOU CANNOT GUARD AGAINST."

PAGE 23.



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1798.

††† As the Publisher has given a considerable Sum
for the Copy of the following Evidence,
which was written in Court, and has been
compared and corrected with the Judges
Notes, he thinks it necessary to state, that
a Prosecution will be entered against any
Person pirating the same.

APR 30 1912

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THORNHILL'S TRIAL,

FOR

MURDER.

At the Court of Session and Goal Delivery, for the County of CHESTER, holden at the Castle of Chester, on Friday the 20th Day of April, 1798, before the Honourable JAMES ADAIR, His Majesty's Chief Justice of Chester, and the Honourable FRANCIS BURTON, His Majesty's other Justice of Chester.

JOHN THORNHILL was indicted for the wilful murder of SARAH MALONE, otherwise called SARAH STATHAM, on the 5th day of January last, at Lymn, in the county of Chester. The first count of the indictment charged the prisoner with the murder of the deceased by striking her on the right temple, forehead, and back part of the head, with a hammer. The second count charged him with the murder by throwing her into a pond, and drowning her. And the third count, charged him with the murder by striking her on the right temple with a hammer, and by throwing her into a pond.

To which indictment the prisoner pleaded,---*Not Guilty.* + *It was on the 6th There is no doubt*
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The SUBSTANCE of the EVIDENCE given in Court on the foregoing indictment, was as follows :

Phæbe Daniel (sworn.) I live at Lymm, and knew the deceased, Sarah Statham, for twenty years. We lived together under the same roof for some time, and used to sleep together from ten weeks before Christmas. The deceased had a son and a daughter, the son's name is John, and is thirteen years old, and the daughter about seven years old. The deceased used to be employed in winding for her son, who is a weaver, and she also washed the prisoner's linen. The deceased and the prisoner were acquainted, and he used to bring his linen to her to be washed. The last time the prisoner was there, was on Friday the 5th day of January, about one or two o'clock in the afternoon ; and he was not there afterwards. The prisoner and the deceased were there alone together on that day, and the prisoner remained there about half an hour. The deceased remained at home till about eight at night, which was the last time I heard her speak, and she never returned that I know of. I did not hear her go out, nor did she tell me where she was going. She was with child ; but I do not know how far she was gone with child.

I saw the prisoner on the Tuesday following, the 9th of January, at the door of the Spread-Eagle, in Lymm, and spoke to him ; I was then going before the coroner. I said to the prisoner, it was a sad accident ; he answered, it was. I then said to him, " I don't say to you, John, as Nathan said unto David, *Thou art the Man* ; but if you are, conscience will speak." To which the prisoner made

made no answer, though there was time for him to do so, before I was called up to the coroner, which I was almost immediately afterwards.

I am acquainted with the cloaths of the deceased. [*The Witness then produced a cap, with many holes or cuts, made as it seemed by the claw-end of a hammer, but the cap had been washed.*] This cap was bloody when found, and a lock of hair was sticking into it, and I know it to be the deceased's cap; I saw the surgeon take it from the head of the deceased; and those marks were in it before it was washed. I know the petticoats the deceased wore on her washing-day, the day she disappeared, and on that day she began washing at nine, and ended at five.

John Knight produced an under-petticoat, one shoe and buckle, and an upper-petticoat.

Phæbe Daniel. I know this under-petticoat was the deceased's, and worn by her when she washed, as she had been doing on that Friday. This other petticoat belonged to the deceased, and I know she wore it on the Friday. I know this shoe belonged to the deceased. I brought them for her from Mr. Leigh's, the Archdeacon's, and she wore such buckles as this.

Thomas Harrison produced the other shoe and buckle, and handkerchief.

Phæbe Daniel. This is the fellow shoe, and this was the deceased's handkerchief I have no doubt; she wore such

such a one on that day, and I know it by the mending of it.

On her cross examination, she said,

The house where I live is a quarter of a mile from the parsonage, Mr. Leigh's. I did see some of the prisoner's linen in the deceased's wash on that day. I have not had the cap ever since it was taken from the body. I know the petticoat by a bit of a red patch and another patch on it. I did not see the deceased when she went out. I know the shoe by the place in the binding which the deceased shewed me herself where she had sewed it, and I can swear positively it was her's. Betty Wittenal washed the cap the first time, and I received it from her.

John Knight (sworn.) I knew the deceased. I found the body of the deceased on Monday the 8th of January, about one or two o'clock, in the mill-dam, at the corner of the wash, where the water runs over the head of the dam; there was a dark cotton bed-gown on the body, a pair of stays, a shift, and a pair of stockings; but neither petticoat, hat, cap, nor shoes, on it; the hair was down behind. I drew her by the shift to the wall, where the other persons pulled her out. I did not hurt the body in finding it, I am sure. I pulled her up with the hook end of a shaft; am sure I did not touch the head with the hook, nor any other part but one. Abraham Allcroft was present with me. The petticoats I took off a hedge near Mr. Leigh's garden, on the 11th of February, and have kept them ever since. The shoe I had from Betty Booth. *she is not here*

On

On his cross examination, he said,

Her head was where it would have been carried if the water had run, but there had been two nights frost, and the dam was nearly frozen over. We broke the ice about a yard square in one place across the dam head ; it was a good while before the body was found ; the hook end of the pole went through the ice, but not far, and the other man broke that part of the ice under which the body lay, by beating the ice with a broken shaft, without any iron on it.

Abraham Allcroft (sworn.) When the dam is not full, the water runs out at the other end of the head, where there is a sluice or flood-gate.

I was present at the dam when the body was found, and saw it taken out ; it was laid on the ground, a sheet put on it, and then carried to her own house. I did not see any cap on the head ; the hair was floating about her face, and flowed down the back part of her head as taken out of the water.

On his cross examination, he said,

I saw the back part of the head when she lay on her belly on the floor ; I saw no cap on ; I did not examine particularly, but saw her hair hanging down. That Friday night was very wet, and sometimes they do work at the mill at night.

To a question from the Chief Justice, he said,
There is not stream enough to carry a heavy body down, when there is no overflowing.

Phæbe

Phæbe Daniel was again called, who said, The body was brought to my house, and nothing was done to it before it was seen by the surgeon; there were many people there at the time, but I was out at a neighbour's house, and returned in about half an hour. The body was put into the deceased's own apartment, and I did not see it till the surgeon came.

Mr. Peter Holland (sworn.) I am a surgeon, at Knutsford. On Tuesday the 9th of January, I went, by desire of the Coroner, to see the body, and examined it in her house, about four or five o'clock in the afternoon. I saw no covering on the head; under the hair I found a cap, twisted up in a kind of roll, and entangled in the hair at the back of the neck, but pinned before under the chin in the usual way. I took it off, and observed a number of small holes in it; it was completely covered with blood, and a lock of hair was entangled with it, by which it had been pinned to the head. [*The cap was again produced.*] There were such holes as these in the cap, and it was such a cap as this.

I examined the head first; on the upper part of the forehead towards the right side, there was a wound about three inches long and one inch wide. There were two other wounds on the back of the head, one of five inches long, passing nearly from ear to ear; another about an inch higher up, and nearly parallel with the former, about four inches long. Each of these three wounds laid the skull bare almost the whole extent. Besides there were
four

four or five small wounds, each not more than a quarter of an inch long, and not penetrating the scull. The wounds had rough ragged edges, and I suppose them to have been made by a blunt cutting instrument. There was a wound on the back of the left hand, which appeared to be made by a sharp instrument; and there was another on the fore-finger of the left hand. There were no other wounds, but a considerable discolouration on the left arm, between the wrist and the elbow. The wounds might have been made by the oblique strokes of such a hammer as this [*A hammer produced*] not by a straight blow. After examination of the outward wounds, I removed the scalp, and discovered a considerable extravasation of blood on the temporal muscle on the right side of the head; at some distance from the extremity of the wound, and under the scull, I discovered a correspondent extravasation; it was under the right temporal bone of the scull, There was no other appearance of injury within the scull. The extravasation within pressed on the brain, and separating the membrane between the scull and the brain, of course the scull pressed upon the brain.

I then opened the chest; the lungs were distended with air, as usually observed when death is produced by a natural cause. On pressing the lungs, a considerable quantity of air was discharged. I examined the heart, and on the right side of it there was scarcely any blood. I then opened the lower part of the belly, there was no unusual appearance there, and she was about eight months advanced in pregnancy.

From

From observation it appeared to me, that she was either dead or nearly so when cast into the water. The wounds on the head were perfectly sufficient to occasion her death; and I think the extravasations, particularly that under the scull, could not have taken place after death.

On his cross examination, the witness said,

The deceased had a large quantity of hair, which flowed on the side of her face and back of her head. If not quite dead, and there had been a considerable stream, the body would not have sunk immediately. *The wound on the temple occasioning the extravasation, was sufficient to produce immediate deprivation of sense, and, finally, death.* She must have been nearly dead, before cast into the water, for she was not drowned. I will not positively say, that the above wound was the cause of her death; and the contusion probably proceeded from a distinct blow. The deceased was a large, tall, lusty woman, about forty-five.

Mr. Thomas Grundy (sworn.) I am a surgeon. I perfectly concur in Mr. Holland's opinion. From the wounds she would have died, without throwing into the water, but it is impossible to say whether she was dead when thrown in or not. From the state of the lungs, she was not drowned.

Betty Wittenal (sworn.) I saw the body when it was brought to Phoebe Daniel's. I pulled the cap from off her head; it was then so full of blood I could not discern the

the holes. I washed it, and laid it amongst the rest of the bloody cloaths, to wash it over again, which I did, and then Phœbe Daniel had it. I am sure Phœbe Daniel had the same cap, and that I made no holes in it by washing; the holes were there before.

Rebecca Clarke (sworn.) I am servant to Mr. Leigh, and have been acquainted with the prisoner ever since he came to Mr. Leigh's service, which is about two years and an half ago. There was an engagement of marriage between me and the prisoner. About the middle of October last, I had a conversation with him about Sally Statham; I asked him whether he had any connexion with her, and he said that he had not. I asked him the same question several times afterwards, and he always denied it. I told him, that he must not expect to have any thing more to say to me if ever I found it out.

I remember the evening of *Friday* the 5th of January, Mr. Leigh went to bed soon after ten, and the ladies about half after ten; only myself and the prisoner were left up. He went out several times between seven and nine o'clock; and I do not think that he staid more than ten minutes at any one time, though he possibly might. From nine to ten he was in the house, and he and myself were the last up. I was employed up stairs with the ladies from the time they went up stairs till I went to bed; but I was two or three times down in the kitchen during that time, and the prisoner was always there, sitting by the fire. Ten minutes was the longest time I was up stairs at once, and I came down the last time a little after eleven. I do

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not

not recollect what cloaths he had then on, but think he had his purple and black dressing jacket on when he went up stairs. He had a cloth jacket of light grey, with a red cape, but he had not that on; there was no change in his dress after he had dressed his master.

He did not then complain of hurting his hand or finger, nor did I observe any blood that night on his cloaths, nor a plaister on his hand, nor any thing on his finger. I went up to bed in two minutes after the last time of my coming down; we went up stairs together at the same time, he to his room, and I to mine.

It was on the Wednesday night before, and not on this Friday night, that he said he had been out to drive away some pigs.

I saw him on *Saturday* morning, a little after breakfast; he came to me to ask me to make a poultice for him, he having hurt his hand by going out the night before; it being a dark night, he had fallen over the cinders. His fore-finger on the right hand was swelled, and there was a blister on it, and the skin was rubbed off the ball of his thumb. I did make him a poultice after dinner; he cut the blister on his finger, and blood and water came out, which I think he wiped with a cloth, and I did not observe any part of it go on his cloaths: his hand did not bleed.

On the next *Monday* morning, about eleven, I saw his morning jacket hanging at the kitchen fire; it was the jacket with the red cape, but I did not observe it particularly. I believe that sometime on Monday, the prisoner

ner said, that his jacket had been washed because his nose had bled upon it.

On that same afternoon, about four o'clock, I saw lying on the table in the pantry, where the prisoner then was, a shirt and pair of stockings. There was some blood on one of the wristbands, which he said was from his nose bleeding. I did not examine the shirt; I saw only one wristband. I believe there was a little blood upon the stockings.

On the *Tuesday* morning, when at breakfast, he desired me to go to his mistress, and say, that he wanted to speak to her. I did so, and he followed me up stairs. I beckoned my mistress out of the room where she then was, and I believe they went into the tea-room together.

On the *Wednesday*, my mistress and I were in the laundry, and I recollect the prisoner coming up to my mistress, and saying, he hoped his master and mistress would not say any thing about the cloaths, as it had been done with his hand and finger. He did not say *what* had been done. The prisoner went away on the *Wednesday*, and without giving any directions about sending his cloaths.

I know the *hole* in the kitchen passage, where some of his cloaths were found; it is near the pantry; and I never knew any thing to have been put there before by the prisoner or any body else. The hole is behind the smoak jack, in the wall between that and the passage.

On her cross-examination, she said,

I did not consider the prisoner as cruel or ill-tempered; I knew him for two years and an half. I did not use to

look into the hole. 'Twas on the Monday that he was accused; but I did not see any difference in him. When I went down from the ladies, two or three times on the Friday night, it was to fetch things; and I was minding my own business, and not his person. In October last we had some conversations about the deceased, and at times since, and he always denied any criminal intercourse between him and her. His nose had bled some time before this happened. My room is next to the prisoner's, they are divided by a wall, and there is a latch on the prisoner's door. I heard nothing on the stairs, nor the opening of any door, on that Friday night. The house-keeper and daisy-maid sleep in the same room with me. The prisoner had complained several times, between seven and eight on that evening, of being unwell. I had no particular reason to notice his dress at that time.

The first time the constable came was on the Tuesday, and I saw no disposition in the prisoner to abscond. About four in the afternoon of that day, Mostyn came, and the prisoner went away with him immediately, but returned the next morning, I think to breakfast.

I never heard any thing bad of him, in respect to cruelty or ill temper.

The Sunday after we came from Lichfield, which was in October last, I told him of his connexion with Sally Statham, which he denied, and agreed to go with me to her, to ask her the question; we went there after evening church, about five o'clock. He asked her, and begged her to tell the truth; and she said, that she had not any connexion with him, and that she knew no more of him than the furthest man in London.

Phæbe

[15]

while the evening bells were ringing

Phæbe Daniel again. I remember the prisoner and Rebecca Clarke coming to my house on a Sunday in October, after their return from Lichfield. The prisoner had been there before, on the same day, and was in Sarah Statham's apartment with her for half an hour; but I heard not what passed between them.

Hugh Holt (sworn.) On *Saturday* morning, the 6th of January, I went out with my father's team. About half past seven o'clock, I remember seeing the prisoner, a little short of opposite the dam, coming from the parson's house towards the dam; it was then just getting day-light. I said to him, "it was very dirty;" he answered, 'it was,' and proceeded on. He was walking very slow, close by the wall-side, with his hand on the wall, and had a long white apron before him. The road there is considerably higher than the dam, and he was going towards the dam.

On the *Wednesday* following, about two o'clock, I observed a number of men running towards High Leigh; and in consequence of some information, I got a horse and rode towards that place. When I had rode about a mile, I observed the prisoner walking very fast in a field, where there is no foot-path, next but one to the lane I was in; he had a bundle in his hand, and a blue top-coat on; he got through a gap into the field next to the lane, and so into the lane. I went a little further, and shouted; and Abraham Allcroft and some others, came up and apprehended him. There are many highways from High Leigh to Lymm, without going through the fields.

John

John Pass (sworn.) I am gardener to the Reverend Mr. Leigh. I remember seeing the prisoner on Friday evening, the 5th of January, and on the next morning, *Saturday*, I called him out of bed, about a quarter after seven, and near eight I saw him in the stable-yard. Afterwards, about eleven o'clock, the coachman and I being in the hollow below the garden, the prisoner came there to us to tell me that my master wanted me; upon which I came in. The prisoner stood in the garden a considerable time, looking towards the water below, being the place where the petticoats were afterwards found. He stood about fifteen or twenty yards from the garden wall, and he continued looking there about fifteen minutes.

Saturday afternoon, I mentioned to the prisoner that Sally Statham had been out from eight over night, and was missing from her house. He said nothing.

On *Sunday*, I mentioned in his presence, that they were making search for her; but he said nothing.

On *Monday* morning, about nine, I asked the prisoner, whether Sally Statham was with child by him? He said, she was. I said, "I wonder at this, John, when you have so often denied having any connexion with her, at your now owning it;" and I told it to Rebecca and Betty, in his presence; and he said, 'in such cases as those, we are apt to deny it.' *Cannot swear I ever heard him deny it.*

Coming in about eleven, Betty Hand desired me to look at the jacket, which was hanging by the fire. It was the light-grey cloth jacket, and I saw some little blood upon it. Betty then desired me to look in the hole which is in the wall in the passage between the kitchen

kitchen and the pantry. It is seven feet two inches high, from the floor, and I never remember any thing being put in before. I looked into the hole, and took hold of a pair of breeches, and the knees of them were very wet. I left them in the hole, and saw nothing else there. I then returned to the jacket, and examined it more particularly. There was blood on both the lapels, inside and outside, which had been washed, and was spread by washing, and on both the sleeves too, but more on the right than on the left, and by washing was spread all over it.

A little after twelve I came in, and told the other servants, in the prisoner's hearing, that she was found at the dam-head. He said nothing.

Between then and four o'clock, I saw a shirt and a pair of stockings upon the table in the pantry. I saw blood on both the wristbands and sleeves; the right hand sleeve was bloodier than the left; it was bloody three inches high, with spots about the size of a shilling, and there were three or four spots on the left.

The stockings were spotted with blood in several places, and had been in sludge half up the leg; and there was blood on the sludgy parts.

The prisoner said, it was occasioned by cutting his hand, and by his nose bleeding.

At dinner, before I had seen the body, I mentioned Sally Statham's being found, and supposed to be murdered; upon which the prisoner left his dinner, went immediately out of the servants hall, and sat by the kitchen fire till we all came out from dinner. When he left us, we had just begun dinner.

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That night I went to look at the body, and when I came back, I related, in John, the prisoner's presence, how she was wounded about the head. We were then all together by the kitchen fire; the prisoner said nothing. A little while afterwards, he and I were together in the servants hall. He then said to me, that he had no friends, they were all against him. I said, well they might, for he was suspected to be the man who had murdered Sally Statham; but if his conscience was clear, God would see him righted. To this he made no reply.

On the *Tuesday* morning, about eight o'clock, I told him the constable was coming to take him up, for that they had been for the coroner; upon which the prisoner seemed a little agitated, and wanted to go to my house. He said, that every person in the village was against him; and that he had best take a place by the coach for Warrington, and from thence to Liverpool, and so to London by water. He wanted to go to my house, to stop all night, as it was a mile and an half from Lymm, and in a bye place. I told him that I would not permit it. The constable came and took him, about ten o'clock. He came back alone, in about two hours; and about five o'clock the same afternoon, the constable came again, and took him to the Spread Eagle, at Lymm.

On the *Wednesday* morning, he came back again, and the constable with him. I told him, that had my case been his, had I been the occasion of the woman's death, I should never have forgiven myself. I would have sent her to the parish she belonged to, and paid fifteen or twenty pounds, and it would never have been known.

To

To this the prisoner made no reply.

On the same day we were together in the servants-hall, and I said, " John, I have a question to ask you ; what was you thinking of when you was killing the woman, or what could you do it with ? " to which the prisoner said, that he was innocent, and that he did not know any thing at all about it.

The prisoner's hat lay on a table in the kitchen ; the coachman gave it to me, and I saw blood about an inch and an half on the binding and edge of the hat, such as might have been made by a bloody finger.

He was taken to the Spread-Eagle, and was kept there all night. I saw him there.

I had this hammer about two years ago, and there was one in the butler's pantry, of the same size and mark, or, if any thing, rather less than this, but both were of the same price. On the *Tuesday* morning, I think, I told the prisoner that his master desired me to ask him for the hammer. He said, that he did not know where it was, but he had been cleaning the cellar two or three days ago, and he might have left it there. I searched the cellar about a fortnight afterwards, but the hammer was never found.

The prisoner is a very stout man ; I saw him lift four measures of oats, weighing forty-seven pounds each measure.

On a Sunday, about three weeks after the murder, in a pond at the corner of the garden, I found the shoe, buckle, and neck-handkerchief. They were at the side of the pond, near the place where the waste water runs from the pond. There are several spots of blood on the neck-handkerchief, and it was crammed into the shoe. I shewed

it to Phœbe Daniel, who described it before I produced it to her *as a blue plaid one well known to her.*

I never knew the prisoner's nose bleed, nor that he was subject to its bleeding.

On the Friday after the prisoner was acquitted by the coroner's inquest, being in the servants hall, I said to him, "As you have been so crafty and cunning in the business, I wonder that you had not made away with your cloaths." To which he answered, "*If I had known as much as I do now, I would have done it.*" He said so after he had been complaining that every body was against him.

On the Tuesday when he went away, he said, that he would write to me for his cloaths; but when he went on the Wednesday he did not say so, but took part of them with him, and left the other part behind.

On his cross examination, he said,

That the prisoner had several places in the pantry where he might lock things up.

On the Friday, he was by the coroner's inquest a third time set at liberty, and he slept that night at the Spread-Eagle.

The Rev. Mr. Leigh (sworn.) The prisoner came to me, on the *Monday* afternoon, between five and six o'clock; he seemed much agitated, leaned against the wainscot, and said, that Sally Statham had been found in the dam, and that she had been sadly used and bruised. I think he said then, that he was suspected of having made away with her, but he knew nothing of it, and would take his oath

bath that he did not. He said, that he would tell me the truth, that he had been concerned with her once, and once only, which was before we went to Lichfield (in May or June last.) He said, that his cloaths had been very bloody; at the same time pointing to his coat, waistcoat, and breeches; and that he had endeavored to wash it out, but that he could not. I inquired how his cloaths came to be bloody? He then said, *it was from having a fall over the cinders, in going to the necessary*; and that he had hurt his hand. I asked him, how that could account for so much blood as he talked of? He said, that he had gone in the dark, and had spread it with his fingers. I pressed him no further, thinking I saw too much, and that it was my duty not to press him further, as being his master. He also said, "*Nobody saw me; how can they hurt me? Nobody saw me; how can they prove any thing against me?*" He said so two or three times over. Upon which I remarked to him, that if no one saw him, yet there might be sufficient circumstances to convict him, if guilty; and if innocent, he had only to stand his trial, he had nothing to fear. I rather think he also talked to me of going somewhere. He said nothing to me about his nose bleeding.

On the *Tuesday* morning, I lay till eleven; and after going to the dressing-room, I found him waiting for Mrs. Leigh. I said to him, "John, what do you want with your mistress?" He said, with a great deal of despondency and agitation, he wanted to know what he should do? I said, "Your mistress has given you very good advice; you have nothing to do but to make your confession, and

make your peace with God." This seemed to alarm him a good deal ; but he again said, "*If nobody saw me, who can hurt me ?*" I said, that tho' nobody saw him here, there was ONE who did see him ; and if he was innocent, he would be acquitted ; but if guilty, he would certainly be executed.

In the course of this conversation, he endeavored to set me right in what he called a mistake ; which was, that I had said he had tumbled over the cinders, and hurt his fingers ; but it was, *that he had done it as he was coming in with a large coal*. I remember well he had before said, that he had tumbled over the cinders, but never mentioned the large coal.

He mentioned to me his wish to be concealed at John Pafs's ; and also his desire to my wife to be concealed in my cellar or vault.

On that day, the coroner being expected, I kept him in conversation, that he might not go off, till the constable came with the warrant.

On the *Wednesday*, I gave Pafs directions to inquire for the hammer.

I remember the prisoner's attending to undress me, on the Friday evening, in the cotton jacket.

On the *Saturday* morning, I did not send him any where, nor towards the mill-dam, *as he said I did*.

On the *Monday* afternoon, he said, that he knew nothing about it ; but the first time he appeared before me on *Tuesday*, it was with the expression of very uncommon alarm.

He lived with me two years and an half.

Mrs.

Mrs. Leigh (sworn.) I remember the prisoner coming to me on the *Tuesday* morning, Rebecca Clarke came first to my room, and beckoned me out; the prisoner was near the door; I followed him into the tea-room, and he shut the door, but did not speak, yet looked so dreadful! I said to him, "O God, John, I see you are guilty!" and I dropped down on a chair. John then knelt down before me, clasped my knees, and looked up in my face. He said nothing, but looked I thought, as if going to confess. I said, "John, make no, confession to me; don't tell me any thing; I can't bear it." In a little time, he got up, and asked, what he should do? whether he should run off? I said, by no means, it would not signify, it would only confirm the idea of his guilt, and he had better stay. I then left him, and went back to my own room.

After breakfast, I went down; and on my return, John followed me up stairs, shut the door, and asked what advice I should give him, whether he had not better go to High Leigh, and wait for the coach to go to London. I objected to it, and said, he would be pursued and taken. He then asked, if he had not better go to Liverpool, and get on board a ship, where he should be safe, for they could not take him there. I said, that he had better stay, for nothing could save him. He was very much agitated all this time, and said, that the coroner would be in Lyinn at ten o'clock, and he had no time to lose. He then said, 'How can they touch me? *nobody saw me do it;*' and repeated several times, '*Nobody saw me do it.*' At last I replied, "There's an eye above that would see; and depend upon it, if you are guilty, there are numberless
" little

" little circumstances, that will lead to a discovery, that you cannot guard against: You have nothing to do but to make your peace with God, and confess." He answered, '*But if I do so, I shall be hanged.*' He then walked up and down in great distress, and leaned against the wall, and said, 'What shall I do?' I said, he had nothing to do but to confess and repent. He answered, very sharply, 'I know that.' The same things were repeated several times over. Rebecca Clarke then came in, she said for a stamp, for Mr. Leigh to take a receipt for John's wages. He then said fiercely, 'Don't talk of stamps now; I have no time to lose; I shall be taken; the coroner will be here directly, and the constables will take me.'

He once asked, if the constables came, whether I would lock him up in the cellar; and if they could not find him, whether they would search the house? I answered, not on any account: I would do no such thing.

Soon afterwards, he ran up stairs to his own room, and I did not see much more of him on that day.

On the *Wednesday* morning, about ten, I saw him, when the constable came with him to dress. I was afterwards down in the kitchen, and some one came in, and said to John, that he was at liberty, unless some fresh facts came out against him. I then went to the servants hall, to Rebecca Clarke, and John followed me there. He shut the door, and said, he hoped that neither his master nor I would say any thing about the blood on his cloaths; why should that come against him, as it came from a cut finger. He said this very often. I answered, that I durst not make any such promise; but that I would go and speak to Mr. Leigh.

I know

I know of no orders he received to go any where towards the church on the Saturday morning.

On the witness's cross examination, she said,

The prisoner was in great agitation, as well as myself, at the times of the foregoing conversations. He did not say to me, that he was innocent, nor that he knew nothing about it. I think I am exact in his words : I used this instrument : [*An ear trumpet, the witness's hearing being imperfect.*] He always spake very clear ; am quite certain I heard him ; and he was very anxious to make himself heard. He said, the blood was from a cut of his finger ; he said nothing to me about his nose bleeding, but that he had fallen over the coals, and cut his finger, and that was the cause of the blood. The cinders lay in a heap, and in the way from the house to the place he had occasion to go to, and in a dark night a man might fall over them.

He lived at Mr. Ackerley's, Moreton-le-marsh, in 1791 ; and was recommended to us by a sister-in-law of Mr. Leigh's, Mrs. Leigh, of Broadwell.

I valued him for his care and tenderness towards Mr. Leigh, when he was out of health.

We had company on that Friday, and John waited at dinner, tea, and supper. I never missed him ; and at night he let me know when Mr. Leigh had retired.

When paid his wages on the Tuesday, he left money to pay some little debts he owed. And I promised to pay some little bills for him, and let him know what I had paid. I was to let him know at the public-house in the village.

village. He did not say where he was going; but I knew that his friends lived in Gloucestershire.

On the *Wednesday* morning, when I saw him in the kitchen, he did not intimate his intention of going off.

George Harrison (sworn.) I am coachman to Mr. Leigh, and slept in the same room with the prisoner. I supped with him on the *Friday* night; he had then on the jacket with the red collar. I suppose it was then between eight and nine o'clock; I had been in the village, and had some ale. I used to go to bed before the prisoner, and never was waked by his coming to bed above once or twice since he lived there.

I saw him on the *Saturday* morning, between seven and eight, when it was just light. He came to the stable to me; he was dressed very clean indeed, in his dressing jacket, clean stockings, and clean apron.

On the *Monday*, between ten and eleven, I remember seeing the prisoner's jacket hanging before the kitchen fire; but I took no notice of it.

Tuesday morning, about nine o'clock, there was a fire under a boiler in the back-kitchen. The prisoner walked by me to the boiler; he had in his hand a light-coloured striped cotton waistcoat, which he burned in the furnace under the boiler.

I had a conversation with him about Sally Statham, about a week before her death. We were in the servants hall; he said, that he wished the knife he then held was in his heart if he knew whether she was man or woman.

On

On the *Wednesday*, about ten in the morning, I remember the prisoner coming in, and putting his hat with the crown downwards on the kitchen table, where he left it, and went into the servants hall. I noticed the hat to have blood on the rim, which appeared as if rubbed in.

I know the hole in the kitchen passage. The servants did not use to put things in it.

On the *Saturday* morning, I was in the garden with Pafs, and remember the prisoner's coming there.

I remember *Friday* evening, the 5th of January, particularly. I believe the prisoner waited at supper, and had his striped jacket on.

On his cross examination, he said,

I do not know whether the prisoner was up first on the *Saturday* morning. The prisoner's bed was nearest to the door. *and his curtains were drawn —*

Elizabeth Hand (sworn.) I am cook to Mr. Leigh. The *Monday* morning after Sally Statham was missing, I was standing on a chair, to hang up a ham to dry in the kitchen passage. I saw something in the hole: I put the fork in: I took it for a glass cloth, and I said, "Is this a glass cloth?" The prisoner said, it was an old waistcoat. He was then near me in the passage, but do not think he was near enough to see what it was. He then came up; and on my pulling it further out, he took it off the fork, and I saw it was a shirt, *and I saw blood on the wristbands.* He took it from me, but in no particular hurry. I afterwards went to hang up another ham, and saw something

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else ; which was a pair of breeches, very wet. I only felt them as they lay in the hole. There was also an old flowered cotton waistcoat, with sleeves. I hove it up with the fork, *and saw it was much bloody*, but cannot tell whereabouts it was bloody. I left those things there, and know not what became of them.

The other jacket, with the red cape, was at the fire before I hung up the ham ; it appeared as if washed from blood, which had been down both sides and both arms.

The spots of blood on the wristbands of the shirt might be the size of a crown or half-crown ; I am not exact. I never saw the servants put cloaths in that hole before. Without standing on a chair, I could not have seen what was in the hole.

I searched the cellar for the hammer, and should have found it, if it had been there ; but I did not find it, and have not seen it since.

I know of no business the prisoner had out on the *Saturday* morning.

On her cross-examination, she said,

On the *Friday* night, between eight and nine o'clock, I made gruel for him.

I frequently went for hams and tongues near the hole. I formerly kept a sugar-loaf in that hole, and John has helped me to get it down.

When I hung up the second ham, it was about half an hour after the first ; he was then gone up to his master, but had taken away the shirt.

Mary

Mary Mills (sworn.) I am dairy-maid to Mr. Leigh. I used to lock the back door and back gate, and to leave the key of the back door in the lock, the other was hung up behind the gate. On the *Friday* night, near ten o'clock, I locked both as usual. The prisoner kept the key of the front door. I found the front door bolted and locked on the *Saturday* morning, between six and seven o'clock, when I went to clean the knocker. I saw the prisoner come down from the bed-room, as usual, a little after seven. He used to walk out sometimes in a morning.

On the *Monday* morning, I saw him soon after seven, and thought his nose had been bleeding; there was a little blood at the nostril. I asked him if his nose had been bleeding; and he said it had bled in bed. I went to make it, about nine, and found both sheets spotted with blood, and there was blood on the floor.

I went with Elizabeth Hand to search the cellar for the hammer, but we did not find it.

I do not recollect what cloaths he had on when his nose bled, nor what jacket.

John Pass, again. I think he did not wear the grey jacket either on *Saturday* or *Sunday*.

Rebecca Clarke, again. I do not recollect whether he wore the grey jacket on *Saturday*, *Sunday*, or *Monday*. *for sometimes he did & sometimes he did not.*

Elizabeth Hand, again. I do not recollect his dress on *Saturday*, *Sunday*, or *Monday*.

George Harrifon, again. On the *Saturday* morning, he had on a clean dark-coloured dressing-waistcoat; but I cannot recollect whether he had on the grey jacket, either on *Saturday*, *Sunday*, or *Monday*.

Abraham Allcroft, again. On the *Wednesday*, I remember pursuing the prisoner. He was in a foot-road going towards a little cottage. He was standing still when we came up, and asked, whether we wanted him? He said, his master had given him his discharge; and Mr. Leigh had sent his man to let him know, that as there was no charge against him, he might go; and therefore he should not go back. We told him, if he did not, we should take him. He said, if Hugh Holt had stopped him, he should have told him where he was going. On the *Friday* following, he was taken up again, at *Knutsford*, and I was ordered to keep him. He asked me, what they had fresh against him; and as we were coming back, he said, it was a bad job. I told him, that if he was innocent, the law would do him no harm; and if he was guilty, death was as good as he deserved. To this he made no answer. *Thomas Harrifon* had desired me to go after him, and I found him standing in the street, at the public-house door. •

Thomas Harrifon (sworn.) I went to *Knutsford* on the *Friday* after the coroner's inquest was taken, in order to take the prisoner. He was in *Knutsford* street, where we took him into custody. I said, "John, you are the man I want." He answered, 'What, in the name of the Lord, is the matter now, Mr. Harrifon? is any thing fresh come out

out against me?' Afterwards, when at my house, he told me that he had taken his box to the coach-office, and was going back for some of his cloaths when we apprehended him. We sent Meyer for the box; which was locked, and the prisoner had the key. We opened the box, and found this neck-handkerchief; it had been put in wet, and was wrapped up in a lump. There is a little blood on it, and it is marked, I. G.

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Peter Reddish (sworn.) This handkerchief was taken out of the prisoner's box. I took it out of the box; it was then lapped up, and rather wet.

Thomas Roberts (sworn.) I was fishing in the brook, at Lymm, for eels, on the eleventh of February. The water was very low; and, in turning over the stones, to look for eels, I found the petticoats. They were under a big stone and two or three little ones, and there was a clod or two on them. The place where I found them is about fourteen strides from Mr. Leigh's garden wall.

Mr. Hollins, the coroner (sworn.) The prisoner was before me, at Lymm, on Wednesday the tenth and Thursday the eleventh of January last. I put down in writing the whole of what I thought material of the prisoner's examination. I then read it over to him, and he said it was right, but did not sign it. He shewed his hand to the jury, and there was a bruise on his finger, and the skin was off the ball of his hand.

The

The Examination of John Thornbill, before the Coroner,
was then read, as follows :

“ Saith,

“ THAT about eleven o'clock on Friday evening last, after putting his master to bed, he came down stairs, and found none of the servants there, except Rebecca (Mrs. Leigh's maid) when he told her she must go up stairs to her mistress. That he took a candle and went out, and walked over and fell upon a heap of cinders at the back door, in consequence of his candle going out. That in the fall he cut his hand and finger, and dirtied his breeches. That he got up and went to the necessary, and came in again, and went into the pantry, and wiped the blood off his hand, upon an old waistcoat, and then went to the boiler, and took a bowl, with which he took a quantity of warm water out of it, and washed his hands, and the parts that had been injured by the fall; that the injury to his finger produced a blister, but no blood, and the injury to the ball of his hand produced a good deal of blood. That in about five minutes after he had ceased washing his hand, the wound on the ball of his hand ceased bleeding, and that then he put on some diaculum plaister upon that place, and that his finger he tied up with a rag and string. That after he had so done, he changed his breeches, and afterwards had to go a second time to the necessary, and on returning he met some pigs in the court. That Rebecca, on his return into the house, was come down stairs, and asked him where he had been so long? and he told her, he had been putting out the pigs; but he did not tell her he had a fall, and hurt his hand. That he does not particularly remember the conversation with her that evening; and they went up stairs to their respective apartments in five minutes. That he remembers the cook at Mr. Leigh's (Betty Hand) standing on a chair in the kitchen, opposite this examinant's pantry door, on Monday morning last, he being in the pantry; and, on looking into a hole in the wall, she said, “ What the deuce is this up here?” and this examinant replied, ‘ It is my old jacket, I suppose.’ That he went and took it from her, and hung it up in the pantry.”

Rebecca Clarke, again. I gave the prisoner a pair of green-and-white knit worsted garters.

John

John Hyde, a prisoner in the Castle of Chester (sworn.) I saw a garter in the prisoner's possession, of green-and-white worsted, knit; and I observed a stain of red on it, about two inches long. It lay on a box in the prison, and was used by the prisoner to tie up his irons.

John Rowland, another prisoner in the same place (sworn.) I did not see the garters myself, but was told [*here he was stopped, and his evidence rejected, being only hearsay.*]

The Prisoner being called upon for his DEFENCE, only said, "I am innocent, and know nothing at all of the matter."

The Chief Justice then summed up the evidence, with his remarks, at great length, to the jury; who, after consulting together a few minutes, brought in their verdict,

GUILTY.

SENTENCE was then pronounced on the prisoner, which was, that he should be hanged on the Monday following, and afterwards to be dissected and anatomized.

Which sentence was carried into execution accordingly.

SOME

SOME PARTICULARS
OF
THORNHILL'S BEHAVIOUR,
PREVIOUS TO AND AFTER
HIS CONDEMNATION.

THIS unfortunate man, it is supposed, entertained the erroneous opinion, that because nobody saw him commit the murder, he was sure to be acquitted; and therefore, during the whole of his confinement, before his trial, he behaved with the utmost levity; indeed, when he came before the Court, he did not appear in the least daunted, and heard the whole of the evidence seemingly with unconcern; nor did the production of the cloaths of the deceased, seem at all to agitate him.

During his trial, which lasted from half past seven o'clock in the morning, till near ten at night, he frequently wrote, with a pencil, short notes to his counsel, containing trifling questions to be put to the witnesses; and just before the jury gave their verdict, he declared to a person near him, that *he had no doubt of being acquitted.*

A violent perspiration was the only alteration which appeared in him during the time the awful sentence of death was passing upon him.

When

When returned to his cell, after condemnation, he behaved in a manner more becoming his situation; but would not acknowledge his guilt, though every endeavor was used to bring him to confess and repent. When the question was directly put to him, whether he was guilty of the murder or not? he never said, he was or was not; but constantly waved the subject. Once he said, *he had confessed to God*; and at another time, *he would confess, but never would to any mortal*.

On Sunday, he was told, that several things had been reported of him, which bore very hardly upon him; and therefore, for the sake of his friends satisfaction, and his own character, he had better to contradict them, if not true. To this he sharply replied, *I don't care a farthing about my character*.

On that evening, divine service was read, and a sermon preached, in the gaol, from Proverbs xviii. 14. *The spirit of a man will sustain his infirmities: but a wounded spirit, who can bear?* To which he seemed to pay much attention; and the next morning declared, he had received much comfort from it. Yet still he refused to make a confession of his guilt.

On Monday, about twelve o'clock, he was taken from the Castle to the place of execution, in Boughton; covering his face with an handkerchief the whole of the way. When arrived at the fatal tree, he spent a considerable time in prayer, read several of the penitential psalms with much emphasis, repeating those verses again which seemed applicable to his case. And not till this time did he confess his guilt: He threw his head on the ordinary's shoulder,

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and said, *My good Sir, there was too much reason for what my mistress said, and for my behaviour to her.* On which the minister said, 'Then you confess to having committed the crime?' *Ab!* replied he, deeply sighing, *'tis too true, but I hope God will forgive me!* He was then exhorted to inform the multitude of it, but did not.

After the ordinary had left him, he stood, with the cap over his face, about twenty minutes, seemingly employed in prayer; at length, he threw down the handkerchief, exclaiming, *The Lord have mercy upon me,* and was launched into eternity, about half past one o'clock, amidst as large a concourse of spectators as ever attended on a similar occasion.

He was born near Stowe, in Gloucestershire, in the year 1769; and had lived in several families with much credit.



FINIS

Ex. C. M.

11/30/12